

RESPONSE TO SPECIFIC ACTION STEPS IN THE BRAAM SETTLEMENT MONITORING REPORT

III.A Placement Stability

RFP for statewide foster parent recruitment. (Page 7)

Action Step 1(c) (1) in Settlement

Children's Administration has completed steps (a) through (g) of this Action Step, including assessment of regional recruitment needs, development and issuance of the RFP, selection of proposals, and start of implementation of the contracts. As indicated in the comments column, contracts were implemented in 1/05 as required in step (g). Only steps (h) and (i) remain to be completed. As for step (i), requiring review of the RFP every six months, ultimately any objective assessment of the success of foster parent recruitment efforts will not be made by these reviews, but as part of the Implementation Plan. Per page 9 of that plan, a baseline remain to be established based on FY 2005 data, after which the Panel will then be able to determine if the Department is meeting its annual benchmarks. The first monitoring report that will show whether recruitment efforts have improved over the baseline that is yet to be set is scheduled for February 1, 2007.

CA has substantially completed this Action Step: All but two of the component steps scheduled for completion to date have been completed. To be meaningful, the review process must be done in the context of Outcome measurements which are not yet due.

Require multi-disciplinary case staffings for children in four or more placements (Page 7)

Action Step 1(c)(2) in Settlement

Children's Administration's plan to address multiple staffings includes both Action Steps 1(c)(2) and 1(c)(14). While the comments by the Panel are identical for both of these Action Steps, it would provide additional clarity to the Monitoring Report to reflect this in the comments.

CA will be submitting a revised plan to the Panel under separate correspondence.

Develop a plan for Panel review and approval, with input from the Plaintiffs to provide multidisciplinary and/or case staffings for children in three or more placements. (Plan developed by 1/15/05.) (Page 8)

Action Step 1(c)(14) in Settlement

See above.

Implement strategies to increase appropriate matching between children and caregivers at time of initial placement (Page 8)

Action Step 1(c)(3) in Settlement

Children's Administration has taken substantial steps towards completion and implementation of this Action Step. While increasing the completion rate of Pre-Passports is given as an example in the Action Step, nothing in the Action Step indicates that CA is precluded from pursuing other valid strategies or that they should not be considered by the Panel in monitoring the Department's performance under the Settlement Agreement.

In this regard, Children's Administration strongly disagrees with the comment that Family Team Decision Making "is not pertinent to [the] action step" because it has not been implemented in every DCFS office in the State to date. FTDM is an important and relevant strategy to improve placement matching under this Action Step and for achieving Outcomes 4, 5 and 6 in the Placement Stability section of the Settlement Agreement. While FTDM are currently occurring in seven offices around the state, these offices were strategically selected and they represent more than 40% of caseload of dependent children for the Department. Further, FTDM will be expanded to include additional offices in the future. This is the beginning implementation of a strategy and should be considered as a positive and relevant development by the panel.

Step (e) of this Action Step provides: "begin implementation of strategies (12/05)." This does not require that all the relevant strategies need to be fully implemented by this date or that they need to be initiated in all DCFS regions or offices simultaneously. As to FTDM, implementation began well before that date. The specific steps that provide for measurement of CA's performance in implementing this Action Step, (f) and (g), are not scheduled to occur until 6/06 and 12/06 respectively. As to these steps, the Monitoring Report should indicate they are not yet due, not that they are incomplete.

Implement strategies to increase appropriate matching between children and caregivers for children who need to be replaced (beginning by December 2006 and fully implemented by December 2008). (Page 8)

Action Step 1(c)(13) in Settlement

As clearly indicated in both the Settlement Agreement and the Implementation Report, this action step is not scheduled to begin until December 2006 with the development of strategies. As such, it falls outside of the period covered by the current Monitoring Report and the report should indicate it is not yet due, not incomplete.

Further, the Panel's comments are the same for this Action Step as for the previous one, even though this step is not yet due. The comments are also somewhat confusing as strategies to increase appropriate matching when a child needs to be re-placed may differ from those used when a child is initially placed from his or her home into out-of-home care.

Increase the appropriate use of kinship care (page 9)

Action Step 1(c)(3) in Settlement

This Action Step consists of three separate KCF 2 Action Steps, 8.3.2, 8.3.3, and 21.1.1. Children's Administration has completed step (a) for each of them. The Relative Care Framework is scheduled to be reviewed by CA management in May 2006. This review includes the proposed policy for initial caregiver assessment, the relative home study and the framework for kinship care.

The comments section again indicates that increased kinship placement and involvement as documented through the Family Team Decision Making program cannot be considered under this Action Step because it is not currently a statewide program. For the reasons stated above, CA strongly disagrees with this assessment. FTDM is an important and relevant strategy to increase the use of kinship care and the offices currently using it represent more than 40% of the caseload of dependent children. This is an ongoing implementation of a strategy that will be expanded to include additional offices in the future and it should be considered as a positive and relevant development by the panel.

Revise and implement policy and procedure to provide for the involvement of children and parents in assessments, development of case plans and major decisions (including changes in placement) (Page 10)

Action Step 1(c)(7) in Settlement

Although the ISSP Desk Guide was previously submitted to the Panel as documentation in support of this Action step, the comments section of the Monitoring Report requests specific page references to the ISSP Desk Guide. ISSP Desk Guide is attached with sections highlighted that pertain to this Action Step.

The “comments” section again indicates that increased kinship placement and involvement as documented through the Family Team Decision Making cannot be considered under this Action Step because it is not currently a statewide program. For the reasons stated above, Children’s Administration strongly disagrees with this assessment.

CA has completed significant portions of this Action Step

Develop and implement annual local office and/or regional, plans for the recruitment and retention of foster homes that specifically assess the need for and availability of placement for children with special needs, and for respite (especially for adolescents). (Page 10)

Action Step 1(c)(8) in Settlement

The “comments” section indicates that no documentation of regional resource plans was provided. This was an oversight. These plans are attached to this document.

Children’s Administration contracts for the recruitment and retention of foster homes. These contracts have previously been submitted to the Panel. The contracts include numerical targets for both recruitment and retention.

CA requests that the Panel review the additional documentation provided and designate this Action Step as complete.

Develop a plan by June 30, 2005 for Panel review and approval to reduce caseloads to COA standards. (Page 10)

Action Step 1(c)(9) in Settlement

As indicated in the Report, Children’s Administration has provided two plans to date. CA received notice on March 10, 2006, the same day it received the Monitoring Report, that the second proposed

plan was not approved by the Panel. CA has asked for additional clarification from the Panel as to the issues with the plan.

Notify child's representative (attorney/GAL/CASA) prior to placement move, except in emergencies. (Page 11)

Action Step 1(c)(10) in Settlement

Children's Administration agrees that this Action Step is complete.

Consistent with the outcomes and benchmarks in Section IV.2, develop and begin to implement pilot programs in at least 3 sites providing therapeutic foster care using effective, evidence-based models of care for children with emotional and behavioral challenges. (Page 11)

Action Step 1(c)(12) in Settlement

The comments to this Action Step state: "Only 12 children in program". It is an unrealistic expectation that 30 treatment foster care homes be developed and 30 children placed in each of these homes simultaneously. The documentation provided to the Panel indicated that initial placements began in November 2005, approximately four months ago. Placement in evidenced based treatment foster care requires careful matching to support model integrity. Placement occurs as a child is identified as meeting the criteria for the program and where the child's needs are not being adequately met by their current placement. Current placements should not be interrupted simply to fill treatment home vacancies. This would not be in the best interest of children. As a result it takes some time to bring this new treatment foster care program to capacity. This comment creates an erroneous impression and the Panel should consider deleting it.

III.B Mental Health

Improve availability and utilization of regional medical consultants. (Page 13)

Action Step 2(c)(1) in Settlement

The Panel's comments indicate that Children's Administration submitted documentation indicating that all regional medical consultant positions have been filled. It appears that this Action Step has been determined to be incomplete because CA did not provide the names or locations of the medical consultants as a means of verifying this Action Step. The names and locations of the medical consultants are as follows:

Dr. Donald Ashley (Region 1),

Dr. Roy Sims (Region 2),

Dr. Francie Chalmers (Region 3),

Dr. Rebecca Wiester (Region 4)

Dr. Christine Larson (Region 5)

Drs. Megan Hubbard and Tim Truschel (Region 6)

Regional Medical Consultants are in place in all six CA Regions and Action Step is complete for the period covered by the Monitoring Report. The only outstanding activity is a utilization report which is not due until 06/06. We request that this Action Step be designated as complete except for the report which is not yet due.

Implement newly developed agreements with each Regional Support Network. (Page 14)

Action Step 2(c)(4) in Settlement

Children's Administration has completed all but the last of the steps in this Action Step. The final step requires that information sessions be conducted in each region by 12/03/05.

Informational sessions were begun and completed in 2 regions. However, the current delay in completing these information sessions is the result of the re-procurement process that the Mental Health Division of DSHS is currently engaged in regarding services provided through RSN's. This process may result in a different number and/or combination of RSN's serving various geographic areas.

It appears that the use of complete, incomplete or not yet due to show the status of an Action Step does not adequately reflect the Department's inability to assure completeness of those parts of Action Steps which involve community agencies outside of the operational control of DSHS. CA requests that the commentary be revised in this and similar Action Steps to indicate where completion is contingent on the cooperation of outside agencies or entities and more accurately reflect the status of the Action Step.

The Department will develop, and encourage juvenile court judges to use, a checklist for each court review to prompt the Court to seek information on whether or not the physical health, mental health, substance abuse, educational, and cultural needs of dependent children are being met. (Page 14)

Action Step 2(c)(6) in Settlement

This Action Step requires Children's Administration to develop and encourage court utilization of a check list. The check list has been developed and is being incorporated into the juvenile court bench book. The Administrative Office of the Courts (AOC) has indicated that the check list will be introduced to the judiciary at the Spring Judicial Conference on 4/15/06. CA continues to encourage court utilization of the checklist in dependency cases, but has no control over the pace of the court's implementation of the check list. The final component step is a review of utilization of the checklist scheduled to occur by 6/30/07 and is not yet due. To the extent the checklist is being utilized by CA in the field and has been reviewed and approved by AOC, CA has completed key elements of this Action Step.

As stated above, it appears that the use of complete, incomplete or not yet due to show the status of an Action Step does not adequately reflect Department's inability to assure completeness of those parts of Action Steps which involve community agencies outside of the operational control of DSHS. CA requests that the commentary be revised in this and similar Action Steps to indicate where completion is contingent on the cooperation of outside agencies or entities and more accurately reflect the status of the Action Step.

III.C Foster Parent Training and Information

Develop and implement cross-training between foster parents and staff. (Page 15)

Action Step 3(c)(2) in Settlement

The development of the training curriculum and pilot training have been completed and statewide training is currently underway. The three individual steps of the underlying KCF 2 Action Step have all been completed. There was no documentation requirement for this Action Step and it has been added by the Panel in its comments.

Training such as this is inherently ongoing in nature, given that there are approximately 5,000 foster parents and a significant number of new foster parents or relative caretakers become licensed or identified each year. In addition, Children's Administration currently has over 1,400 direct service staff. Ultimately, the only way the penetration rate and success of the ongoing training can be objectively assessed is by use of the measurement devices established in the Implementation Plan. See Outcome 1 on page 35 of the plan. The Benchmark for measuring this Outcome provide that a "point-in-time" baseline will be used in 2007 to establish the adequacy of CA's training for care providers. The first monitoring report that will show whether training efforts have improved over the 2007 baseline is scheduled for August 1, 2008.

We request that this Action Step be designated as complete except for the report which is not yet due.

Require written notification to licensed foster parents and relative caregivers and provide support to increase their participation in meetings, staffings and hearings involving planning for children in their care. (Page 16)

Action Step 3(c)(3) in Settlement

Children's Administration has completed steps "a" and "b" of this Action Step. While the policy is in place to provide notice to foster parents and caregivers as required by the Action Step, CA does not have the current capacity to electronically track and verify that the notice has been provided in all cases. The CAMIS system is too fragile to make program changes that will enable electronic tracking of notification to foster parents and caregivers and this is included in the requirements for the new SACWIS system. In the interim CA is requiring staff to manually document that notice has been provided.

We ask that the Panel distinguish between the programmatic aspects of policy, such as development and implementation of the notice policy, and the technical steps relating to documentation. If CA can document through non-electronic means that a policy is working, compliance with an Action Step should not hinge on the specific method of documentation or the shortcomings of the current CAMIS system.

Implement RFP for providing statewide crisis support and other immediate support for licensed foster parents and relative caregivers. (Page 16)

Action Step 3(c)(4) in Settlement

As indicated in the Monitoring Report, key elements of this Action Step have been completed: the statewide crisis line for care providers is operational and foster parent support and retention contracts were implemented over a year ago. Children's Administration agrees that more documentation needs to be developed and provided to the Panel, but requests that the commentary be revised to indicate that it has substantially completed the Action Step but for providing ongoing documentation.

Provide training for licensed foster parents and relative caregivers on policy revisions and engaging families and children. (Page 17)

Action Step 3(c)(5) in Settlement

Children's Administration has completed (a), (b) and (c), the individual components of KCF 2 Action Step 4.2.3. This is a situation where the Action Step provided in the Settlement Agreement (i.e. provide training) is considerably broader than the KCF 2 Action Step incorporated into the Agreement. To the extent that the Panel is assessing CA's compliance with the specific KCF 2 Action Step upon which the broader Action Step is based, this step should be designated as complete.

Training on issues such as policy revisions and engagement of children and families is inherently ongoing in nature, given that there are approximately 5,000 foster parents and a significant number of new foster parents or relative caretakers become licensed or identified each year. Ultimately, the only way the penetration rate and success of the ongoing training can be objectively assessed is by use of the measurement devices established in the Implementation Plan. See Outcome 1 on page 35 of the plan. The Benchmark for measuring this Outcome provide that a "point-in-time" baseline will be used in 2007 to establish the adequacy of CA's training for care providers. The first monitoring report that will show whether training efforts have improved over the 2007 baseline is scheduled for August 1, 2008. It would be both more helpful and more objective for the comment section to include a more accurate assessment of the work done to date and note the need for ongoing training in this area.

We request that this Action Step be designated as complete except for the report which is not yet due.

Develop and implement a policy requiring ongoing training for licensed foster parents. (Page 17)

Action Step 3(c)(7) in Settlement

Children's Administration has completed steps (a), (b), (d) and (e). CA has implemented step (c) to be able to track compliance with training through CAMIS, and work on this is ongoing. Only step (f) is incomplete. While the documentation regarding quarterly reports to the field is incomplete, the policy itself has been implemented. Given that the training itself is on ongoing, its success or adequacy cannot be objectively measured until the baseline is set in 2007 (as per the above). We request that this Action Step be designated as complete as to the development and implementation of policy. This should be distinguished from issues relating to documentation and compliance reports that are not yet due.

Licensed foster parents and relative caregivers will be encouraged and supported to participate in staffings of pre-passports (or successor) for children placed in their homes. (page 19)

Action Step 3(c)(9) in Settlement

Children's Administration has completed steps (a) and (b) and is prepared to move into implementing the policy statewide (step (f)). However, steps (c), (g) and (h) are problematic and can not be addressed with CAMIS as CA does not have the current capacity to electronically track and verify that the notice has been provided in all cases. The CAMIS system is too fragile to make program changes that will enable electronic tracking of notification to foster parents and caregivers and this is included in the requirements for the new SACWIS system. In the interim CA will require staff to manually document that notice has been provided.

We ask that the Panel distinguish between the programmatic aspects of policy, such as development and implementation of the notice and support policy, and the technical steps relating to documentation. If CA can document through non-electronic means that a policy is working, compliance with an Action Step should not hinge on the specific method of documentation or the shortcomings of the current CAMIS system.

III.D Unsafe/Inappropriate Placements

Increase contact between social worker and family, child and caregivers to at least once every 30 days. (Page 21)

Action Step 4(c)(1)

Steps (a), (b) and (c) have been completed. Step (d), which ties the remaining steps of the Action Step to the 2005 biennial budget request, is no longer at issue as additional FTE's have been provided to Children's Administration in this year's supplemental budget. As they become operational, these FTE's will provide additional resources to CA to assist in the phased implementation of this policy.

Increase compliance with policy requiring workers to visit children in placement within the first week of out-of-home care. (Page 21)

Action Step 4(c)(1) in Settlement

The Action Step is complete except for portions not yet due. Children's Administration has developed and begun implementation of its policy. Comments in the Monitoring Report state that no baselines or performance measures were provided by CA. However, step (d) does not require that regional baselines be established and performance measures be set until 6/06, so there was no requirement to provide them at this time. As they are not yet due, this is not a reason to find that CA has not completed the Action Step.

The Panel's comments also state that CA has no ability to track compliance in CAMIS. CA has been working with the Panel to develop ways to measure compliance for a number of Action Steps, Benchmarks and Outcomes when it cannot be done in CAMIS and will include this issue in future discussions. Again, this is not a reason to find that CA has not completed the Action Step.

A face-to-face safety assessment with a child suspected to be a victim of child abuse or neglect while in the Department's custody shall occur within 24 hours of the report for emergent cases, and within 72 hours of the report for non-emergent cases. (Page 22)

Action Step 4(c)(3) in Settlement

This Action Step has been substantially completed. All of the individual steps in the KCF 2 Actions Steps incorporated into the Settlement Agreement have been implemented except step (g), requiring CA to initiate quarterly reports to field offices. However, CA is reporting to the Governor's office on its progress in implementing 24/72 hour investigations on a roughly quarterly basis.

The comments of the Panel appear to indicate that this Action Step is deemed incomplete because the rate of contact for both emergent and non-emergent referrals appears to be lower in November of 2005 than it was in August. This should not be used to determine non-completion for 4 reasons: 1) The Action Step itself (step (f) of KCF 2 1.1.7) does not require that a baseline for measuring response to 72 hour non-emergent cases be established until 3/06; 2) The August and November figures are misleading unless they are compared with the figures for the entire year, which will show a significant increase in response time after the Governor's policy was implemented (on 4/29/05 for emergent cases and 8/8/05 for non-emergent cases); 3) It is unclear when the data for November was pulled – if the Panel is relying on data pulled in preparation for a GMAP report to the Governor on December 21, 2005, that report indicated that Regions had placed a priority of seeing children within the required time and that “the decline in performance for the most recent month [i.e. November 2005] is expected to rebound once documentation is completed for initial visits;” and 4) The Implementation Plan does not require that this be measured until 2/1/07, as determined by a baseline to be set later this year (see page 50, Goal 2, Outcome 2). It is difficult to see how the Panel can rely on the percentages for two months listed in the comment column to determine compliance when the FY 2005 baseline has yet to be set.

In addition, to the extent some component steps¹ if this Action Step were originally identified as being subject to the 2005 biennial budget request, that is no longer a factor that bears on completion of this Action Step. When the Governor directed that Children's Administration implement a 24/72 hour response policy, CA shifted resources internally to accomplish it.

CA requests that the Report indicate that this Action Step is complete and that the reference to the 2005 budget request be deleted.

Children in the custody of the Department will not be placed in:

- Institutions not designed to receive foster children, such as adult mental hospitals or detox facilities where children and adults are commingled
- A foster home without specialized training and support to provide for the safety of children in the home when sexually aggressive or physically assaultive children reside in the home
- DSHS offices, including repeated daily stays at DSHS offices **(Page 22)**

Action Step 4(c)(4) in Settlement

As per the above Action Step, the Panel appears to base its determination that this Action Step is incomplete on the data provided by the Mental Health Division regarding the admission of youth in CA custody to adult mental health facilities. However, this Action Step was added to the

¹ The KCF 2 Action Step uses the term benchmark in this context, but this should be distinguished from “Benchmark” as defined and used in the Settlement Agreement and Panel reports.

Settlement Agreement and is not based on a KCF 2 Action Step listing component steps to be completed at designated intervals. As such, the Agreement provides no means to measure compliance until such time as the Panel establishes baselines and Benchmarks. Per page 45 of the Implementation Report, the baselines regarding placement of children in prohibited settings are not scheduled to be established until 6/1/06 and the first report measuring change from the baselines is not due until 2/1/07. And while the baseline will not be set until later this year, it will be based on data from FY 2005. It appears that most of the youth reported by MHD to have been admitted to adult mental health facilities, were admitted prior to 7/1/04, the start of that fiscal year, and will not – and should not – be included in any measurement of compliance.

Further, the data from MHD identified 13 youth with 17 admissions into adult mental health settings. However, it should be noted that for 8 of these youth in 9 of the admissions, the admissions were made pursuant to the Involuntary Treatment Act (ITA), RCW chapter 71.34. These are cases where a county-designated mental health profession has the authority to commit a child for evaluation and treatment and CA has no control over the admission process or choice of facility and these should not be considered placements for purposes of this Action Step. When committed under RCW chapter 71.34, a youth has due process rights independent of those in his or her dependency proceeding, included the right to an attorney and to 72 hour and 14 day court hearings. Details on the dates of inpatient service for the 8 youth placed through the ITA process are as follows:

Youth	Dates of ITA Service
JP	4-30-04 to 5-14-04 14 days
SH	5-8-04 to 5-14-04 6 days
SC	5-13-04 to 5-18-04 5 days
KM	4-29-04 to 5-4-04 5 days
MH	3-26-04 to 4-5-04 10 days
JJ	6-3-04 to 6-6-04 3 days AND 6-8-04 to 6-14-04 6 days
PC	4-10-04 to 4-26-04 16 days
RR	7-16-04 to 7-31-04 15 days

It would be more appropriate to say that this Action Step is not yet due than to designate it as incomplete.

III.E Sibling Separation

Increase quality and frequency of visits between children and their siblings. (Page 23)

Action Step 5(c)(1) in Settlement

Item “a” is complete. Children's Administration used the peer technical assistance from the Casey Family Programs to refine and improve the products produce by the workgroup. Many members from the workgroup participated in this technical assistance process. CA requests that the commentary be revised to more accurately reflect this development.

Improve kinship support services. (Page 24)

Action Step 5(c)(2) in Settlement

All steps (a) of the underlying KCF 2 Actions Steps have been completed.

The comments section again indicates that increased kinship support services as provided and documented through the Family Team Decision Making program cannot be considered under this Action Step because it is not currently a statewide program. For the reasons stated above, Children's Administration strongly disagrees with this assessment.

Implement case conferences prior to dispositional hearing, as required by 2004 legislation. (Page 25)

Action Step 5(c)(4) in Settlement

Children's Administration agrees that this Action Step is complete.

The Panel's comments indicate that there is no documentation on performance. However, pursuant to the 2004 legislation, case conferences are automatically set by the court at the initial shelter care hearing. RCW 13.34.062(5)(a). The only exceptions are if the parent is not present at the shelter care hearing or the parent waives or does not agree to participate in a case conference. In all other cases, CA is prepared to conduct the case conference as required by statute.

III.F Services to Adolescents

Offer caregivers training on educational advocacy skills. (Page 28)

Action Step 3(c)(9) in Settlement

This is another instance where the Action Step provided in the Settlement Agreement (i.e. offer training) is considerably broader than the KCF 2 Action Step incorporated into the Agreement. To the extent that the Panel is assessing CA's compliance with the specific KCF 2 Action Step upon which the broader Action Step is based, this step should be designated as complete.

The KCF 2 Action Step requires the development and distribution of educational brochures and/or informational packages. All of steps (a) through (f) have been completed. This information was provided to:

- 4000 foster parents
- 1000 youth ages 16-18
- 1000 school personnel and other providers
- 400 Tribal and ICW workers

The information is also available on CA websites. CA is providing a hard copy of additional materials to the Panel to document completion of this Action Step.

In addition, the PRIDE pre-service training program has been revised to include a section on educational advocacy. Attached is a copy of this portion of the curriculum. Additional training on

educational advocacy will be provided to caregivers in early 2006 through the newly contracted Educational Coordinator positions.

Offer support services to foster youth until age 21. (Page 28)

Action Step 6(c)(10) in Settlement

Children's Administration has previously addressed the issue that youth between ages 18 and 21 are no longer in the custody of DSHS or members of the plaintiff class. See letter of Steve Hassett of November 16, 2005. Related to this is the question of how the Panel can assess the effectiveness of CA's efforts and rate CA's compliance in this area. The only measurement defined in the Implementation Plan is Outcome 6 of Goal 2 (on page 69) which measures how children are prepared to live independently while still in DSHS custody.

To the extent that CA's efforts to prospectively offer services to youth in foster care before they age out of the system will be measured for this Action Step, CA has created a Service for Youth Packet to supplement information directly provided by the youth's social worker. The Services for Youth in Care Packets include information on the various programs available to youth and were distributed as follows:

- 4000 foster parents
- 1000 youth ages 16-18
- 1000 school personnel and other providers
- 400 Tribal and ICW workers

A hardcopy set of the Services for Youth in Care Packet has been sent to the Panel to document completion of this Action Step. CA requests that the Panel revise the report to indicate completion of this Action Step.

Propose statutory change to extend out-of-home care benefits to children through age 21. (Page 28)

Action Step 6(c)(3) in Settlement

Children's Administration agrees that this Action Step has been completed. Whether it was completed by CA's initial proposal for legislation or the passage in the recent legislative session of HB 2002 is a secondary point.

Plaintiff's comments of 3/19/06 to the Monitoring Report mischaracterize the original KCF 2 Action Step. At no point did it contain an opt-in provision. While it does contain an opt-out provision, such a provision is both redundant and unnecessary in that the out-of-home care benefits provided by this legislation are voluntary and a youth can choose to opt-out or discontinue them at any time. In addition, CA can address this issue through the rule-making authority provided to it in the new legislation.

Establish post-guardianship support program. (Page 28)

Action Step 6(c)(5) in Settlement

Children's Administration agrees that this Action Step is not complete. However, it should be noted that services provided by the proposed post-guardianship support program will only be available at a point in time when a youth receiving such services – either directly or through his or her legal guardians – will no longer be a member of the plaintiff class. Once a dependency guardianship is established, it marks the implementation of a permanent plan of care in which custody of the youth is vested in the guardian. As the youth is no longer in the legal custody of DSHS, he or she is no longer a member of the class as defined in the Settlement Agreement. This raises the issue of how the Panel can assess the effectiveness of CA's efforts and rate CA's compliance in this area.

Develop and implement regional resource centers for post-adoption kinship and post-guardianship families. (Page 28)

Action Step 6(c)(6) in Settlement

See above comments. Like a child in a dependency guardianship, a child who has been adopted is no longer a member of the plaintiff class.